

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated March 29, 2010. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 4-6, 12, and 16-31 are pending in the Application. Claims 4, 16, and 26 are independent claims.

In the Office Action, claims 4-6, 12 and 16-31 are rejected under 35 U.S.C. §112, first paragraph, as allegedly introducing new matter. This rejection of claims 4-6, 12, and 16-31 under 35 U.S.C. §112, first paragraph is respectfully traversed. However, in the interest of advancing consideration and allowance of the claims, Applicants have elected to amend independent claims 4, 16 and 24, from which similarly rejected claims 5, 6, 12 and 17-31 depend, to address the concerns raised by the Office Action.

Specifically regarding claims 4 and 16, the Office Action states that (illustrative emphasis provided in the Office Action) "the lack of enablement's lies in the fact that the independent claims state that movement of the *icon* facilitates the inclusion of information of a user's last interaction with the service field (Claim 4 Lines 8-12, Claim 16 Lines 14-16) whereas the specification ... only appears to support that physical movement of the actual *item*, drives saving the state of the item such that the service field can be resurrected at a later time." Specifically regarding claims 16 and 26, the Office Action states that (illustrative emphasis provided) " [t]he passages of the specification regarding saving and restoring, ... do not specifically state that the device stores and transmits the stored state back to the user, to resume a previously-

terminated session, they simply acknowledge that a save/restore feature exists."

Specifically regarding claims 21 and 27, the Office Action states that "[t]he specification further does not specifically support stored information of a last user interaction, being identified by the application program."

In this regard, claim 4 is amended to recite (illustrative emphasis provided),
"...presenting to a user an icon ... being movable within the associated service field based on interactions by the user to indicate the user interactions with the associated service field; generating information of a last user interaction related to the user interactions with the associated service field; and transmitting information ... for storage at the item to enable resuming a discontinued session at a later time, in response to proximity conditions between the host and the item at the later time. Also in this regard, claim 16 is amended to recite (illustrative emphasis provided), "...varying location of the representative icon ..., the representative icon being movable within the associated service field based on the interactions by the user to indicate the user interactions with the application program and the stored information of the last user interaction with the application program; and transmitting information ... for storage at the item to enable resuming a discontinued session at a later time, in response to proximity conditions between the host and the item at the later time." Additionally in this regard, claim 26 is amended to recite (illustrative emphasis provided), "...vary location of the representative icon ... the representative icon being movable within the associated service field based on interactions by the user to indicate the user interactions with the associated service field; and transmit information for storage at the item ... to enable resuming a

discontinued session at a later time, in response to proximity conditions between the host and the item at the later time." Further in this regard, claims 21 and 27 are amended to recite (illustrative emphasis provided), "wherein the information that is transmitted to the item includes processing results of the last user interaction that allows a user to discontinue a session, while still being able to later resume the session." Support for the amendment of claims 21 and 27 is found in the specification on page 2, lines 13-16, which states (illustrative emphasis provided), "... the storing of appropriate processing results in the item allows a user to discontinue a session, whilst still being able to later resume at an interaction point that is deemed relevant."

It is respectfully submitted that claims 4-6, 12 and 16-31 are in proper form and clearly comply with the written description requirement. Accordingly, it is respectfully requested that this rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

In the Office Action, claims 26-31 are rejected under 35 U.S.C. §101. Specifically, the Office Action states that "transitory embodiments are not directed to statutory subject matter." This rejection of claims 26-31 under 35 U.S.C. §101 is respectfully traversed. However, in the interest of advancing consideration and allowance of the claims, Applicants have elected to amend independent claim 26, from which similarly rejected claims 27-31 depend, to address the concerns raised by the Office Action. Specifically, claim 26 is amended to clarify that the "computer program [is] stored on a non-transitory computer-readable medium ..." Accordingly, it is respectfully requested that this rejection under 35 U.S.C. §101, be withdrawn.

In the Office Action, claims 4-6, 12 and 16-31 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,331,972 to Harris ("Harris") in view of U.S. Patent No. 5,715,416 to Baker ("Baker"). These rejections are respectfully traversed. It is respectfully submitted that claims 4-6, 12, and 16-31 are allowable over Harris in view of Baker for at least the following reasons.

Applicant's independent claim 4 for example recites (illustrative emphasis provided), "...the representative icon having a location that is movable within the associated service field based on interactions by the user to indicate the user interactions with the associated service field ...; and transmitting information ...of the last user interaction, for storage at the item to enable resuming a discontinued session at a later time, in response to proximity conditions between the host and the item at the later time," as is similarly recited in each of claims 16 and 26.

It is respectfully submitted that neither Harris nor Baker disclose storing the interaction status in their systems such that when operations are discontinued, the operations are enabled to be continued at the same point of interaction with the system, albeit at a future time, whether related to an application program, a service field, a user interaction, or identity information. Therefore, neither Harris nor Baker, alone or in combination, contains every limitation recited in independent claims 4, 16 and 26.

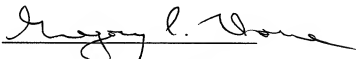
Based on the foregoing, the Applicants respectfully submit that independent claims 4, 16 and 26 are patentable over Harris and Baker, and notice to this effect is earnestly solicited. Claims 5-6, 12 and 17-31 respectively depend from one of claims 4, 16 and 26 and accordingly are allowable for at least this reason as well as for the

separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
June 29, 2010

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101